T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			30-Sep-08	APPL. S. N:	10578229			
To Exami	ner:		KLEMANSKI, HELENE	Årt Unit	1793			
From			Thomas, Deborah PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	REM8A30			
SUBJECT	: Decisio	n on Terminal	Disclaimer(T.D.) filed:					
INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,								
please initial, date and return this memo to me. THANK YOU.								
$\overline{\mathbf{A}}$	The T.D. is PROPER and has been recorded (see 14.23).							
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):							
		The TD fee of use of a depo	,	tted nor is there any authorization	in the application file for the			
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).						
		The person w	ho signed the T.D.:					
		is no	ot an attorney "of record" (see	e 14.29 and 14.29.01).				
		has	failed to state his/her capacity	to sign for the business entity (se	ee 14.28).			
		is no	ot recognized as an officer of t	he assignee (see 14.29 & possible	14.29.02).			
	No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel a frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).							
		The T.D. is no	ot signed (see 14.26 & 14.26.0	03).	·			
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
٠		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						
		The period dis	sclaimed is incorrect or not sp	ecified (see 14.26, 14.27.02 or 14.	26.03).			
		Other:			<u> </u>			
			request refund (see 14.36). in the reck this item.	NOTE: If already authorized, credit	refund to deposit account			
I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.								
Ex.Initial	s:	Date	e:		Log Date:			

~Application Number	Application/Co	F	Applicant(s)/Patent u Reexamination TAGUCHI ET AL.	ınder			
Document Code - DISQ		Internal Do	ocument – DC	NOT MAIL			
TERMINAL DISCLAIMER	M APPROVED		☐ DISAPP	☐ DISAPPROVED			
Date Filed : September 2, 2008	This patent is subject to a Terminal Disclaimer						
Approved/Disapproved by:							
Henry D. Jefferson							
:							

U.S. Patent and Trademark Office

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number

Q94641

In re Application of:

Toshiki TAGUCHI, et al.

Application No.:

10/578,229

Filed:

May 4, 2006

For:

BLACK INK AND INK SET FOR INKJET RECORDING

The owner*, FUJIFILM Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 7,208,035 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. \square For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.

/Sunhee Lee/		September 2, 2008		
Signature	Date			
Sunhee Lee	53,892	202-775-7588		
Typed or printed name	Reg No.	Telephone Number		

☑ Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 19-4880 is included

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q94641

Toshiki TAGUCHI, et al.

Appln. No.: 10/578,229

Group Art Unit: 1793

Confirmation No.: 7575

Examiner: Helene G KLEMANSKI

Filed: May 4, 2006

BLACK INK AND INK SET FOR INKJET RECORDING For:

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. The statutory fee of \$130.00 is being charged to Deposit Account No. 19-4880 via EFS payment screen. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Registration No. 53,892

/Sunhee Lee/

Sunhee Lee

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WASHINGTON DC SUGHRUE/265550

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Date: September 2, 2008